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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,323	11/08/2001	Chidane Ouchi	684.3279	5126
5514	7590	10/16/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ESPLIN, DAVID B	
		ART UNIT		PAPER NUMBER
		2851		

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/986,323	OUCHI, CHIDANE
	Examiner D. Ben Esplin	Art Unit 2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 September 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 and 6-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,789,734 to Torigoe et al. in view of European Patent Application 0 820 132 to Ohmi et al.

FIG. 1 of Torigoe et al. shows an exposure apparatus including an illumination optical system (illumination optical system 1) for illuminating a pattern of a reticle (reticle 30), a projection optical system (projection optical system 31) for projecting the illuminated pattern onto a subject (wafer 32), and an spherical aberration detection device operable while using laser light outputted from the illumination optical system via an optical fiber 82. The spherical aberration detection device shown by Torigoe includes a reflection member (reference flat 81) disposed on a stage (X-Y-Z stage 34) for holding the subject, and detects the presence and amount of the wavefront aberration (spherical aberration) of the projection optical system (see abstract). The apparatus shown further includes a photoelectric converter (light receiving elements 72 and 75), and an operation unit (spherical aberration measurement control 61). Torigoe also teaches that wavelength control of the illumination optical system may be used (col. 9 lines 65+).

Although the spherical aberration detection device of Torigoe is not a Fizeau interferometer, it is disposed in the exposure apparatus for the measurement of a wavefront aberration. Applicant acknowledges that Fizeau interferometers were a well known means for measuring wavefront aberrations (pages 8 and 9). Therefore, it would have been obvious to one of obvious skill in the art to replace the spherical aberration detection device shown in Torigoe with a Fizeau interferometer as an art recognized alternative method for detecting the presence and amount of a wavefront aberration.

Further, the illumination optical system of Torigoe is described as including an excimer laser, but the light source is not further defined as being a pulsed or continuous emission laser. However, Ohmi discloses a continuous emission excimer laser (see abstract) and teaches that continuous emission lasers are desirable over pulsed emission lasers in order to reduce the load on lenses, simplify the mirror or laser scanning control system, and prolong the life of the excimer laser (see page 3 lines 28-31). In view of the teachings of Ohmi, it would have been obvious to include a continuous emission excimer laser as the excimer laser called for in the illumination system of Torigoe in order to provide the apparatus of Torigoe with the advantages described by Ohmi.

The illumination optical system of Torigoe does include an excimer laser, but does not teach of injection locking the excimer laser in order to bring its wavelength within the design value more quickly. Applicant teaches the time delay between the powering on of a laser and the point at which the wavelength of the emitted light reaches the design value is common and is solved by including a pulse emission laser for injecting laser light into the excimer laser (page 27

lines 18+). Thus it would have been obvious to use injection locking in the apparatus of Torigoe in order to overcome this lag time.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torigoe as applied to claims 1-4, 6, and 11-15 above, and further in view of U.S. Patent No. 6,256,087 to Bader.

The apparatus of Torigoe uses the optical fiber 82 to guide light from the illumination optical system to the interferometer, and not a semitransparent mirror. FIG. 1 of Bader shows that the use of a semitransparent mirror (deflecting mirror 5) to guide light from an illumination system of an exposure apparatus away from the exposure function for an auxiliary purpose was well known in the art. In view of the teachings of Bader, it would have been obvious to replace the optical fiber 82 of Torigoe with a semitransparent mirror, to guide light from the illumination optical system to the interferometer, as an art recognized alternative for guiding light in an exposure apparatus.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torigoe as applied to claims 1-4, 6, and 11-15 above, and further in view of U.S. Patent No. 5,552,892 to Nagayama.

The apparatus of Torigoe uses the optical fiber 82 to guide light from the illumination optical system to the interferometer, and not an actuated mirror. FIG. 1 of Nagayama shows that the use of an actuated mirror (mirror 33) to guide light from an illumination system of an exposure apparatus away from the exposure function for an auxiliary purpose was well known in

the art. In view of the teachings of Nagayama, it would have been obvious to replace the optical fiber 82 of Torigoe with an actuated mirror, to guide light from the illumination optical system to the interferometer, as an art recognized alternative for guiding light in an exposure apparatus.

Response to Arguments

Applicant's arguments filed 9/23/03 have been fully considered but they are not persuasive. Whether the apparatus of Torigoe includes a Twyman-Greene interferometer, or some other means for measuring aberrations in the projection optical system is moot since Applicant has admitted that a Fizeau interferometer is merely an art recognized alternative for either of these devices, and therefore does not constitute a non-obvious improvement over the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Ben Esplin whose telephone number is (703) 305-4022. The examiner can normally be reached on Mon.-Fri. (8am-4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell E. Adams can be reached on (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

DBE

Mark Hall
Mark Hall
Patent Examiner
PTO 2851